

OVERVIEW

The Office of Equity and Inclusion (OEI) owns the responsibility of enforcing and monitoring compliance of city contracts with Small Business Enterprise (SBE) participation requirements. We have found that contract compliance is most effective when the process is transparent and prime contractors fully understand their responsibilities.

Prime contractors are responsible for complying with SBE requirements by identifying and utilizing eligible City of Milwaukee certified SBE firms, making prompt payments and reporting them on a consistent basis to the City, as well as notifying the OEI of issues that may prevent them from fulfilling their contractual obligations. The City has created tools to aide in contract compliance efforts before and after contract execution, as well as during the dates of service with the intended goal of ensuring prime contractors can achieve SBE requirements.

COMPLIANCE PLAN

SBE participation requirements are included in Bid/RFP documents as a condition of responsiveness. To affirm compliance with the requirements, the respondent should submit a Form A - Contract Compliance Plan, which specifies the respondent's intent to award a percentage of the total contract value to the SBE(s), and the description of the commodity or services the SBE firm(s) will provide. Additionally, the respondent shall submit a copy of the SBE certificate (s) issued by the OEI as proof that the firm has the appropriate certification, and is approved to perform or provide the commodity or service outlined in the scope of services. The prime contractor/vendor may not replace the proposed SBE firm without approval from the OEI and contracting department.

SBE certification must be valid prior to bid/RFP submission, therefore, it is imperative to confirm a firm's certification status prior to listing their information on the Form A. A list of certified firms is accessible on the OEI's website at: <https://milwaukee.diversitycompliance.com>. Questions regarding the certification should be directed to the OEI at oei@milwaukee.gov or 414-286-5553.

PAYMENT REPORTING

Consistent communication mitigates the opportunity for payment discrepancies and non-compliance. Therefore, prime contracts awarded with SBE participation requirements shall utilize the City of Milwaukee's Compliance Reporting and Certification System (CRCS) to report a summary of SBE payments on a regular basis. The CRCS is accessible via the OEI's website: <https://milwaukee.diversitycompliance.com>. Both prime and subcontractors are required to report payment information in the CRCS.

PAYMENT VERIFICATION

To verify the totality of payments reported in the CRCS, prime contractors/vendors are required to submit a Form E – SBE Subcontractor Final Payment Certification to the OEI within 30 days of the last payment reported in the CRCS.

NON-COMPLIANCE

Compliance concerns must be reported by the prime contractor to the OEI in a timely fashion. Failure to do so may negatively impact the City's monitoring efforts. In the event an SBE firm is unable to perform after the contract has been executed, the prime contractor must contact the OEI to identify a replacement. SBE firms may not be replaced and participation adjustments cannot be considered without prior approval from the OEI.

Prime contractors who fail to comply may be subject to the following sanctions:

- Withholding of payment
- Termination, suspension or cancellation of the contract in whole or part
- Denial to participate in any further contracts awarded by the City for a period of one year after the first violation is found and for a period of three years after any subsequent violation is found.

The City of Milwaukee values your services and thanks you for engaging in its inclusion efforts. Questions about SBE participation requirements and the compliance process should be directed to the Office of Equity and Inclusion at 414-286-5553 or OEI@milwaukee.gov.